Secrets. H-27—100,000—21-5-48.

FOOD & AGRICULTURE (1949) Department.

SERIES.

G.O. No. 1189

Dated 19th OCTOBER 1949.

[Despatch Abstract.]

ACTS - The Madras Sugar Factories Control Act, 1949 - Extension of certain provisions of the Act to certain areas - Appointment of Sugarcane Commissioner - Rules under section 17 - Notifications - Published.

GOVERNMENT OF MADRAS.

Abstract.

ACTS - The Madras Sugar Factories Control Act, 1949 - Extension of certain provisions of the Act to certain areas - Appointment of Sugarcane Commissioner - Rules under section 17. - Notifications - Published.

FOOD AND AGRICULTURE DEPARTMENT.

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G.O.No.1189, D a t e d, the 19th October 1949.

Read the following papers-

From the Director of Agriculture, No.C-1.1285/49, dated the 12th September 1949 and 5th October 1949.

ORDER.

The notifications appended to this order will be published in English in Fort St. George Gazette and in English and in the local languages in the District Gazettes of Visakhapatnam, East Godavari, West Godavari, Krishna, Bellary, South Arcot, North Arcot, Salem, Coimbatore, Tiruchirappalli, Mathurai, Chingleput and Tanjore districts.

2. The Senior Translator to Government is requested to furnish the Superintendent, Government Press, with the requisite translations.

BY ORDER OF HIS EXCELLENCY THE GOVERNOR,

M.A.Kuttalalingam Pillai,
Secretary to Government.

To the Superintendent, Government Press (for publication of Notifications).
To the Director of Agriculture.
To the Registrar of Co-operative Societies, Madras.
To the Board of Revenue (Civil Supplies).
To the Inspector General of Police.
" Collectors of Visakhapatnam, East Godavari, West Godavari, Krishna, Bellary, South Arcot, North Arcot, Salem, Coimbatore, Tiruchirappalli, Mathurai, Chingleput and Tanjore.
To the Registrate, High Court, Madras.
To the Secretary, Indian Central Sugarcane Committee, New Delhi.
To the Secretary to the Government of India, Ministry of Agriculture, New Delhi.
To the Secretary, South Indian Sugar Mills' Association, First Line Beach, Madras-1.
To the President, South Indian Sugarcane Growers, Association, No.100, Godown, Street, Madras-1.
Copy to the Revenue Department.
" Accountant General, Madras.
" Food and Agriculture 'F' Section.
" Public (E. & S.) Department.
" Development (Planning and Development II).

APPENDIX.

NOTIFICATIONS.

I

APPENDIX.

NOTIFICATIONS.

In exercise of the powers conferred by section 1(3) of the Madras Sugar Factories Control Act, 1949 (Madras Act XX of 1949), His Excellency the Governor of Madras hereby directs that (i) sections 2 to 5, 12, 13 (2) (b), 15 and 16, (ii) so much of section 17 as relates to those sections and (iii) section 18 of the said Act shall apply to the districts of Visakhapatnam, East Godavari, West Godavari, Krishna, Bellary, South Arcot, North Arcot, Salem, Coimbatore, Tiruchirappalli, Mathurai, Chingleput and Tanjore districts with effect on and from the 19th October 1949.

In exercise of the power conferred by section 4 of the Madras Sugar Factories Control Act, 1949, His Excellency the Governor of Madras hereby appoints the Director of Agriculture, Madras, to be the Sugarcane Commissioner for the purposes of the said Act.

In exercise of the powers conferred by section 17 of the Madras Sugar Factories Control Act, 1949 (Madras Act XX of 1949), His Excellency the Governor of Madras hereby makes the following rules:--

1. Short title.-- These rules may be called the Madras Sugar Factories Control ~~Rules, 1949 (Madras Act XX of 1949), His Excellency the Governor of Madras hereby makes the following~~ Rules, 1949.

2. Definition.- In these rules, unless there is anything repugnant in the subject or context, "the Act" means the Madras Sugar Factories Control Act, 1949.

3. Advisory Committee.--(1) The Advisory Committee shall consist of--

(a) the Sugarcane Commissioner;
(b) the Sugarcane Specialist or an officer of the Agricultural department not lower in rank than Deputy Director of Agriculture nominated by the Director of Agriculture;
(c) the Registrar of Co-operative Societies;
(d) the Provincial Marketing Officer,
(e) two representatives of growers nominated by the Government;
(f) two representatives of manufacturers nominated by the Government.

(2) The Sugarcane Commissioner shall be the Chairman of the Committee and the Sugarcane Specialist or the officer nominated to the Committee by the Director of Agriculture under item (b) of sub-rule (1) shall be the Secretary of the Committee.

4. Term of office of members.-- The term of office of the members representing the growers and the manufacturers shall be a period of one year from the date of their nomination.

5. Casual vacancy - Any vacancy in the office of a member representing growers or manufacturers occurring otherwise than by efflux of time shall be filled by nomination by the Government and the member so nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

6. Meetings of the Committee-- (1) Madras shall be the headquarters of the Advisory Committee. The meetings of the Committee shall ordinarily be held at Madras but the Chairman may, for special reasons, summons a meeting at any other place in the Province.

(2) The Secretary shall send to the members, in writing, notice of the meeting at least fifteen days before the date of the meeting.

(3) Notice of a resolution or motion to be moved by any member of the Committee shall be given to the Secretary at least ten days before the meeting.

(4) The agenda shall be circulated at least seven days before the meeting.

(5) All meetings shall be presided over by the Chairman. In the absence of the Chairman any member of the Committee may be nominated by the Chairman. In the absence of the Chairman to preside over that meeting.

(6) Three members shall constitute the quorum for a meeting.

(7) No business other than that contained in the agenda shall be transacted at a meeting except with the consent of the Chairman.

(8) No motion or amendment shall be discussed at a meeting unless it is seconded.

(9) Any motion or amendment or which notice has been given by a member may be withdrawn with the permission of the Chairman.

(10) The Chairman shall have a casting vote in case the votes of the members are equally divided.

(11) The Chairman shall have power to decide any point of order or to dissolve or adjourn a meeting.

(12) When a meeting is adjourned to a subsequent date by the Chairman for want of quorum, no quorum shall be necessary for the adjourned meeting.

(13) In respect of any matter not provided for by this rule, the ruling of the Chairman shall be final.

(14) For the purpose of sub-rules (7) and (9) to (13) the "Chairman" shall include any member presiding over the meeting.

7. Licence for crushing sugarcane.--(1) Application for the grant of a licence to crush sugarcane or for the renewal thereof shall be in the Form set out in Appendix I.

(2) The application shall be accompanied by a fee of Rs.500 (rupees five hundred only).

8. Time for appeals.--Appeals under section 9(3) or section 11(2) shall be made to the appellate authority within one month from the date of the order appealed against.

9. Weighments of sugarcane.-- (1) All transactions in connexion with the purchase and supply of sugarcane shall be made in terms of tons, hundredweights, quarters and pounds avoirdupois and it shall not be lawful to use any other weight.

(2) No sugarcane shall be purchased without actual weighment.

(3) All weighments shall be in terms of tons, hundred weights, quarters and pounds avoirdupois.

(4) The net weight of sugarcane shall be recorded correct to the nearest pound.

(5) The occupier of a factory or a purchasing agent shall permit a representative of the grower or any other person duly authorized by the Sugarcane Commissioner for the purpose, to watch or check weightments and to examine the records in which weights are recorded. A person so authorized by the Sugarcane Commissioner shall ordinarily possess the qualifications of and be of a status not lower in rank than an Agricultural Demonstrator.

(6) No weighbridges, scales or weights shall be used, kept or possessed by or on behalf of an occupier or purchasing agent--

(a) which are incorrect:

Provided that a weighbridge or scale shall be deemed to be correct if the weight recorded by it is within two per cent of the correct weight and if it cannot be adjusted more accurately; or

(b) the scale arms of which are not clearly marked on both sides wherever possible or are not accessible to the vendor of the sugarcane, or his authorized agent or are not legible to persons standing near the carts which are being weighed; or

(c) which have been disapproved by an Inspector.

(7) All weights used, kept or possessed for the purchase of sugarcane shall be made of iron or other suitable metal and be clearly stamped or marked to indicate their denomination.

(8) That part of the mechanism of a scale or weighbridge by which its adjustment is controlled shall, wherever possible, be kept suitably sealed or locked.

(9) All weighbridges, scales and weights used, kept, or possessed for the purchase of sugarcane shall be open to inspection, examination and test by an Inspector at all times without notice and shall be made available for such inspection, examination and test whenever required by the Inspector. To facilitate such inspection, standard weights of one hundred weight in the aggregate shall be kept by the occupier or the purchasing agent concerned at every purchasing centre where there is a weighbridge or scale for testing the same.

(10) An occupier or purchasing agent shall cause all weighbridges or scales used, kept or possessed by him to be tested at least twice a week and shall maintain a record of such test which shall on demand be shown to the Inspector.

(11) At every purchasing centre, adequate facilities for weighment to the satisfaction of the Sugarcane Commissioner shall be provided by the occupier or purchasing agent to avoid congestion and undue delay in the weighment of sugarcane and carts shall not be kept waiting for more than 10 hours without sufficient cause.

Note.--(a) A cart shall not be deemed to have been kept waiting unduly if the supplier of sugarcane having received instructions in writing to deliver the sugarcane on a certain day ignores those instructions or brings the sugarcane without such instructions.

(b) It shall be incumbent on the part of an occupier or purchasing agent of the factory to issue such written instructions to the vendor of sugarcane from whom he intends purchasing sugarcane and such written instructions shall be given to the vendor reasonably in advance.

(12) An occupier shall--

(a) provide metalled approaches to and exits from all weighbridges at the factory premises to such distance as may be feasible and up to a distance of one furlong when required to do so by the Sugarcane Commissioner;

(b) keep the same in a proper state of repair;

(c) provide reasonable space for parking of carts waiting their turn for approach to the weighbridge;

(d) provide sheds and cattle troughs at the factory gate to the satisfaction of the Sugarcane Commissioner; and

(e) provide reasonable space to the satisfaction of the Sugarcane Commissioner for unloading of sugarcane for purposes of examining for the presence of water shoots, dried shoots all diseased canes which are likely to be of low quality.

(13) Weighment shall not be made later than half an hour after sunset unless lighting arrangements approved by the Inspector as sufficient for the easy reading of the scale arms by both the purchaser and vendor or his authorized agent are made and maintained.

(14) No duduction shall be made from the weight of the sugarcane on the ground that the sugarcane is improperly stripped on or any other ground whatever:

Provided that where sugarcane is brought in bundles and weighed in bundles, a deduction not exceeding 1/2 per cent of sugarcane may be made on account of the weight of the binding material.

10. Percentage of recovery. - For the purpose of determining the percentage of recovery of sugar from sugarcane in the factory the Government if they so desire may appoint chemists to conduct tests in the laboratory of the factory and it shall be incumbent on the part of the occupier of the factory to provide such facilities as the Sugarcane Commissioner may direct from time to time:

Provided that where there is no laboratory attached ~~attached~~ to the factory, the tests may be conducted in the laboratory of such other factory as the Government may specify in this behalf.

11. Forms and returns. -- (1) The occupier of every factory shall maintain a current daily account in the form given in Appendix II of the sugarcane entering the factory for consumption or use by the factory;

(2) Within a fortnight of the close of each month the occupier shall submit to the Sugarcane Commissioner a return in the form given in Appendix III showing the quality of sugarcane that has entered the factory during the month and the amount of cess paid by him into the treasury on account of that quantity of sugarcane together with the treasury receipt in support ~~thereof~~ thereof.

(3) If the occupier of a factory-

(a) fails to keep correct daily accounts in the prescribed form, or

(b) fails to submit on or before the due date the monthly return in the prescribed form,

he shall be punishable with fine which may extend to Rs.2,000 (rupees two thousand only).

12. Inspection of premises.-- (1) The Revenue Divisional Officers and the District Agricultural Officers shall be ex-officio Inspectors within their respective jurisdictions.

(2) Every Inspector may, within the limits of his jursidction and with such assistance as he thinks necessary--

(a) enter any factory or other place which is or which in his belief will be used as purchasing centre or for maintaining records, registers, accounts or documents relevant thereto;

(b) examine the weighbridges, scales or weights used, kept or possessed for the weighment or purchase of sugarcane at any such place;

(c) cause carts or wagons carrying sugarcane or other consignments of sugarcane to be weighed or re-weighed in his own presence;

(d) examine the prescribed registers maintained at such places and check such records, registers, accounts or documents as are maintained and are in his belief relevant;

(e) check the relevant weights, purchases and payments made at such place;

(f) record the statement of any person whom he may deem necessary to examine for the proper discharge of his duties;

(g) examine such records as are maintained at such a factory showing the amount of sugarcane purchased, the amount of sugarcane crushed, the sucrose content thereof, the quantity of sugar manufactured, the percentage of extraction of sugar from sugarcane, the quantity of sugar produced, issued and in stock;

(h) call from the occupier of a factory any information relating to production, supply and crushing of sugarcane, the manufacture of sugar and the quantity of sugar produced, issued and stocked;

(i) issue such instructions as may be necessary to ensure equitable purchase of sugarcane provided that instructions shall b issued in writing specifying the reasons therefor and if such instructions have not been already approved by the Sugarcane Commissioner, they shall be submitted to him forthwith for confirmation; and

(j) examine the relevant registers about the payment of wages.

APPENDIX I.

(See rule 7)

Form of application for a licence to crush sugarcane or for its renewal.

1(a) Name, parentage and residence, or in the case of a firm, name and principal place of business of the applicant.

(b) In the case of a company registered under the Indian Companies Act, the name of the company and the address of the registered office with the names and addresses of the Directors and of the Manager or Managing Agent, the Secretary and the Chief Executive Officer of the comapny.

2. Site of the factory--

Village or town.

Taluk.

District

Nearest railway station.

3. Quantity of sugarcane crushed during each of the three previous crushing seaons.

4. The number of days that the factory crushed sugarcane during each of the three previous crushing seasons.

5. Whether the prescribed fees have been deposited in the district or sub-treasury of the area in which the factory is situated. (Treasury receipt should accompany the application).

6. The number and date of the licence to be renewed (in cases of applications for renewal).

Dated

Signature of applicant or signature of officer empowered to sign on behalf of the company.

APPENDIX II.

(See rule 11(1).

P.T.O.

APPENDIX II.

See rule 11(1).

Current Daily Account.

Local area

Date.	Quantity which entered the local area.										
	Carts.		Lorries.		Tram		Wagon loads.		Others.		Total.
	Number.	Weight.	Number.	Weight.	Number.	weight.	Number.	weight.	Number.	Weight.	

APPENDIX III.

(See rule 11(2).

Return for the Calendar month of

Local area

Quantity of sugarcane which entered the local area.	Amount of cess due.	Amount of cess paid into the treasury.	Number of and date of the treasury receipt.

(True copy)

Superintendent,
Madras Record Office.

KRVD.9.7.